

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MARYLAND

PHILADELPHIA INDEMNITY INS. CO., *et al.*

Plaintiffs,

v.

Civil No. 1:22-cv-00005-JRR

MARKEL INS. CO., *et al.*,

Defendants.

PHILADELPHIA INDEMNITY INS. CO., *et al.*

Plaintiffs,

v.

Civil No. 1:20-cv-00669-JRR

MARKEL INS. CO., *et al.*,

Defendants.

MEMORANDUM OPINION

This matter comes before the court on Plaintiffs' Motion to Consolidate (ECF 8; 87; the "Motion") and Defendant Markel Insurance Company's Response in Opposition to same (ECF 15; 89). Although the court granted the parties' joint request for an extension of time until May 20, 2022, for Plaintiffs to file a reply (ECF 16 and 17; 90 and 91), none was filed. The court has considered all papers submitted. No hearing is necessary. Local Rule 105.6 (D. Md. 2021).

The action ending in 669 has progressed well past the early stage of litigation of the action ending in 005. Consolidation poses considerable risk of avoidable and undesirable delay in the 669 case. Further, the underlying McNeel and Lewis cases on which the instant actions are respectively based raise questions regarding different forms of insurance coverage under different policies based on materially different underlying circumstances.

Further, Judge Bennett, the presiding judge in the above-captioned cases until they were reassigned to me in late April 2022, denied Defendant Markel Insurance Company's dispositive motion as to Plaintiffs' request for declaratory judgement in the 669 case (ECF 60 and 61) at which time the 005 case had not yet been instituted. Following reassignment of these cases to me, I granted Defendant Markel Insurance Company's dispositive motion on Plaintiffs' request for declaratory judgment in the 005 case (ECF 18 and 19).

For the above-stated reasons, the court finds that consolidation of these cases pursuant to Rule 42(a) will complicate, not simplify or streamline, administration of these actions. For these reasons, the Motion (ECF 87 in the 669 case; ECF 8 in the 005 case) will be denied by accompanying order. FED. R. CIV. P. 42(a).

/s/
Julie R. Rubin
United States District Judge